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Advocates for immigrant survivors of domestic abuse, sexual violence, and human trafficking are deeply concerned about yesterday's [Supreme Court decision](#) affecting asylum seekers, legal permanent residents, and other individuals detained by the Department of Homeland Security (DHS). The court's decision in *Jennings v. Rodriguez*, overturning prior rulings by the lower courts, interpreted current statutes to permit individuals to be detained indefinitely without bond hearings while their cases are pending. The Supreme Court also refused to consider at this time whether the statute violates constitutional protections of due process and sent the case back to the federal appeals court for further consideration.

[Research shows](#) that it is harmful and re-traumatizing for survivors of violence to be locked in jail-like facilities indefinitely. Many undocumented women susceptible to DHS detention in the United States are fleeing horrific domestic abuse, sexual violence, and human trafficking. Some women in DHS detention centers [have also experienced sexual abuse](#) at the hands of male guards. Furthermore, individuals in DHS detention facilities [lack adequate access to legal and mental health services](#), leading to unnecessary suffering, re-traumatization, and denial of due process, which could result in repatriation to persecution and possibly death.

Because the health, safety, and legal rights of immigrants are at stake, DHS decisions to incarcerate individuals for any length of time must not be made arbitrarily and should be subject to periodic review to make an individualized determination. Many of these immigrants will ultimately win their removal cases and should not be forced to unjustly suffer prolonged detention if they do not present a risk or can be released and monitored through alternatives to detention. Clear criteria, evidence-based evaluation of each individual against these criteria, and oversight by the courts are necessary and must be revisited on a short-term, periodic basis. We have long known that these procedures are not followed by DHS, and therefore that involvement by the courts to protect the rights of immigrants is critical. Now, because of a series of policy shifts made by the current administration, increasing numbers of immigrants are being detained for longer periods, and survivors of violence with claims for protection under U.S. law are being further traumatized.

Immigrant communities are experiencing [new levels of fear](#), leaving victims of violence afraid to step forward to ask for help. Yesterday's decision from the Supreme Court will only intensify this climate of fear and undermine the nation's commitment to protecting human rights.

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